

Zoning Board of Adjustments



July 9, 2018

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Special Called Meeting Agenda

Monday, July 9, 2018 – 6:30 p.m.

**Wylie Municipal Complex – 2nd Floor Conference Room
300 Country Club Road, Building #100, Room 230**

Linda Jourdan Chair
Jason Potts Vice Chair
Kevin Lanier Board Member
Andres Gonzalez Board Member
Byron Betler Board Member
Robert Blair Alternate Board Member
Lisa Shields Alternate Board Member

Renae' Ollie Planning Director
Jasen Haskins Sr. Planner
Kevin Molina Planner
Mary Bradley Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

CALL TO ORDER

Announce the presence of a Quorum.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes for the April 16, 2018 Meeting.

ELECTION OF CHAIR AND VICE CHAIR

1. A motion to nominate Vice Chair.
2. A motion to nominate Chair.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request Matt King for a variance to Section 4.3.E.1.a.1 of the Zoning Ordinance for the required landscaping area on Lot 4RB of the Railroad Industrial Park Addition located north of the intersection of Cooper Drive and State Highway 78. **ZBA 2018-09**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 6th day of July, 2018 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Stephanie Storm, City Secretary

Date Notice Removed

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Wylie Zoning Board of Adjustment

Minutes
Zoning Board of Adjustment
Monday, May 21, 2018 – 6:30 pm
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building 100

CALL TO ORDER

The Zoning Board of Adjustment was called to order at 6:30 PM and a quorum was present. Board Members present: Chair Linda Jourdan, Board Member Andre Gonzalez, Board Member Robert Holcomb Board Member Kevin Lanier, and Board Member Kevin Finnell. Vice Chair Jason Potts was present but did not participate.

Staff members present were: Jasen Haskins, Sr Planner, Kevin Molina, Planner, and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the April 16, 2018 Meeting.

A motion was made by Board Member Finnell and seconded by Board Member Holcomb, to approve the Minutes of the April 16, 2018 Meeting as submitted. Motion carried 5 – 0.

PUBLIC HEARINGS

Item 1 – ZBA 2018-07

Hold a public hearing to consider and act upon a request from **Saeed Kheradmandnia** for a variance to Section 4.1.C.3 of the Development Standards for setbacks on a property located southwest of State Highway 78 and Williams Street at 405 Williams Street. **ZBA 2018-07**

Staff Comments

Mr. Molina stated that the property is located at 405 Williams Street and is currently zoned Commercial Corridor.

The applicant is requesting a variance to allow for zero side setback on the north side in lieu of the required 10 feet. The applicant is proposing to convert the existing car wash into an office building.

The development will require site plan approval and platting of the land prior to approval of building permits and renovation. The developer will be adding four parking spaces and provide landscaping to the front and side of the lot.

Public comment forms were mailed to 10 property owners, and no responses received in favor or in opposition of the request.

Board Discussion

Mr. Saeed Kheradmandnia, 5412 Fall River Drive, Colony, owner/developer of the property, stated that the proposed use is physician office.

The Board Members questioned where the fire lane will be located. Mr. Kheradmandnia stated that the fire lane is on the existing Shell property to the rear.

Board Members questioned the number of parking. Mr. Kheradmandnia stated that four parking spaces will be provided. The code requires one parking space per 100 feet.

Public Comments

Chair Jourdan opened the Public Hearing. With no one approaching the Board Members, Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Holcomb, and seconded by Board Member Finnell, to Grant the variance and allow zero side setback on the north side. Property located at 405 Williams Street, southwest of State Highway 78 and Williams Street. Motion carried 5 - 0.

Item 2 – ZBA 2018-08

Hold a public hearing to consider and act upon a request from **Ken Lynn** for a variance to Zoning Ordinance, Section 4.1.D.3, requirements for the maximum height of a building. The property is located at 391 Country Club Road, being Lot 2 Block A of the Wylie Civic Center Addition and Tracts 2, 6-9, and 13 of the GW Gunnel Survey. **ZBA 2018-08**

Staff Presentation

Mr. Haskins stated that the property is located at 391 Country Club Road, measures 96.524 acres. The property is zoned Business Government. The proposed use is College/University.

The applicant is requesting a variance to the height of a building to be 67 feet in lieu of the required 50 feet. The proposed building is three story. The top of building will house the mechanical equipment. The applicant is proposing to enclose the equipment.

The proposed building will be approximately 250 feet from the public right of way with a landscape buffer covering a majority of that space. The unique circumstance is due to the size of the College/University.

Public Comment Forms were mailed to 41 property owners. One comment was received in favor and one received in opposition of the request.

Board Discussion

Mr. Richard Robinson, 1800 Main Street, Suite 123, Dallas, applicant for the request, the subject building is the Campus Commons located in the middle of the proposed site plan. The subject building will be three story Science Building, with a penthouse. The penthouse is an enclosure for mechanical equipment. The penthouse enclosure will be small component as opposed to the entire floor and will be approximately 2,500 to 3,000 square feet.

Mr. Haskins stated typically a measurement for height of a structure is measured to the roof line. Because the applicant is proposing to enclose the mechanical equipment, the height would include the enclosure.

Board Members questioned the sight of angle to the eye for the subject building from Country Club Road. Mr. Robinson stated that as one looks across the property, the angle of the eye is tip of the penthouse. Mr. Haskins stated that the building will be approximately 627 feet away from Country Club Road.

The trees located along the west property line are Bodark Trees, and the Hackberry Trees which can be seen from Country Club Road, these will all be removed. The College has provided a Tree Preservation and Mr. Haskins is able to forward to the Board Members that are interested.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Keith Scruggs, 204 Chasepark Drive, adjacent property owner, spoke in opposition of the request and recommended another location for the mechanical equipment.

Mr. Robinson stated that the penthouse will house mechanical equipment for the entire campus. The ordinance requires mechanical to be placed on the roof, and the desire is to enclose and make it architectural element. There may be two or three buildings in the second phase with possible same height.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Finnell, and seconded by Board Member Holcomb to Grant the request for a variance to allow height of a building to 67 feet in lieu of the required 50 feet. Motion carried 5 -0.

ADJOURNMENT

A motion was made by Board Member Gonzalez, and seconded by Board Member Lanier to adjourn the meeting. All Board Members were in consensus.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>July 09, 2018</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2018-09</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>330 South State Highway 78</u> <u>Railroad Industrial Park</u>
Date Prepared:	<u>July 02, 2018</u>	Subdivision Name:	<u>Addition</u> <u>Location Map, Site Layout,</u> <u>Statement from Applicant,</u> <u>Notification List and Map</u> <u>with Responses</u>
		Exhibits:	

Subject

Hold a public hearing to consider and act upon a request from Matt King for a variance to Section 4.3.E.1.a.1 of the Zoning ordinance for the required landscaping area on Lot 4RB of the Railroad Industrial Park Addition located north of the intersection of Cooper Drive and State Highway 78. **ZBA 2018-09**

Discussion

Applicant: Matt King

Owner: Wylie EDC

The subject property is located on Lot 4RB of the Railroad Industrial Park Addition and is zoned in the Commercial Corridor Zoning District.

The applicant is requesting a variance to allow for a landscaped area of 15.26% in lieu of the required 20% coverage requirement.

The landscape variance is requested to reduce the landscaping area to a percentage that is equal to 20% of landscaping with the subtraction of the square footage of the driveway connecting to Industrial Court.

A unique circumstance may be present onsite as this development will have 3 points of access and requires more pavement to achieve proper circulation and access through Industrial Court. The access that the site's driveway will provide will not only serve the subject property but also traffic from adjacent lots crossing through.

This development is providing an additional point of access onsite that will allow for traffic from adjacent existing business such a Chick-fil-a to have an alternate access point. The developer's goal is to help mitigate the amount of traffic that generates from State Highway 78 by creating an access point for traffic to flow from Cooper Drive to Industrial Court.

The proposed plan for the site is to construct a 10,000 square foot building with two restaurants, a hair salon and a dental office. Additional landscaping planters will be provided where possible in the front entry and outside eating area for this development.

This item's site plan was granted a conditional approval on the 06/19/18 Planning and Zoning Commission meeting on the condition that this landscape variance be granted.

Public comment forms were mailed to 20 property owners within 200 feet of this request, as required by State Law. At the time of posting, two comment forms were received in favor of the request.

The Board shall not grant a variance to the development code which:

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
- (6) Is based exclusively on findings of personal or financial hardship.

In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

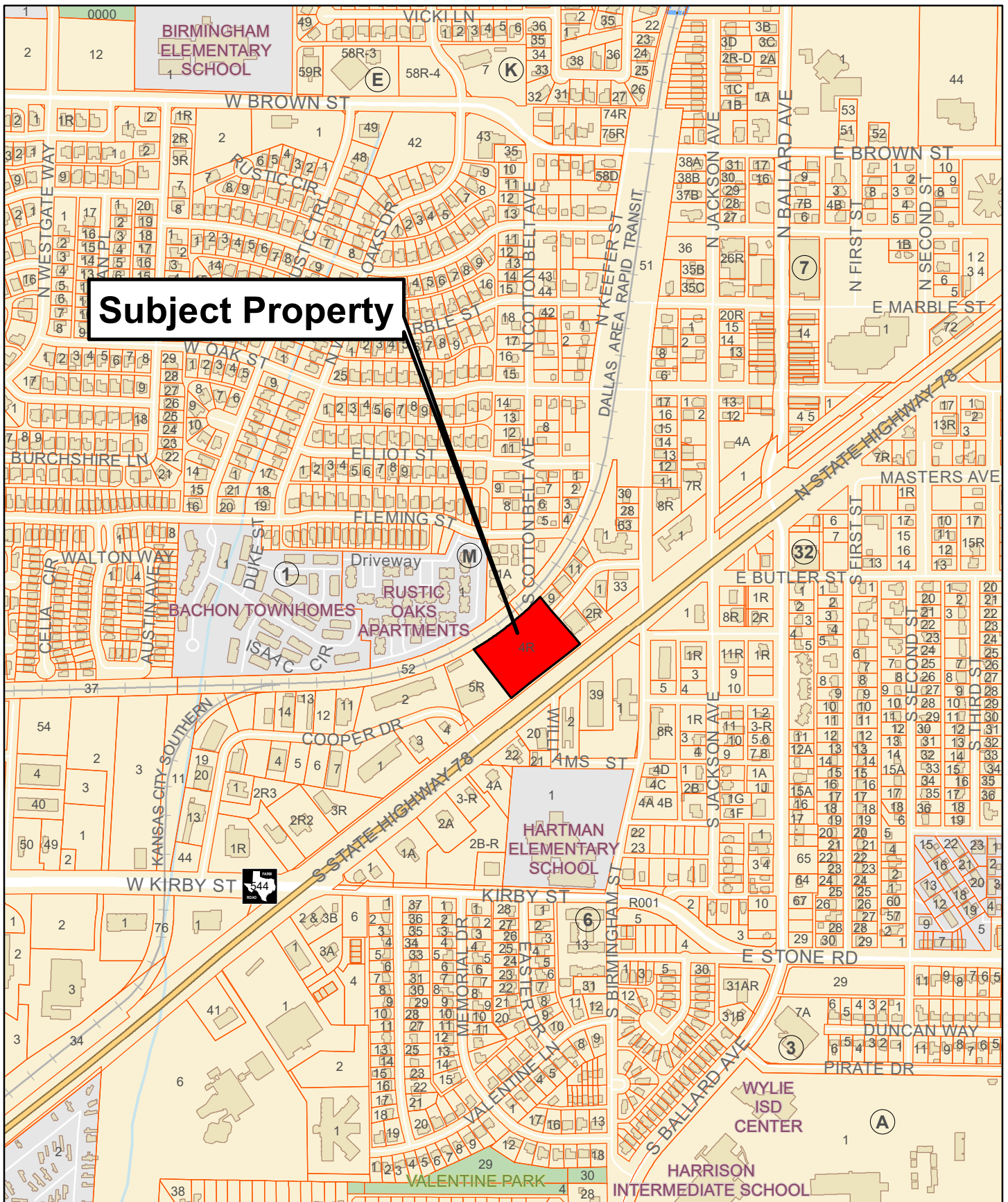
- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.

Approved By

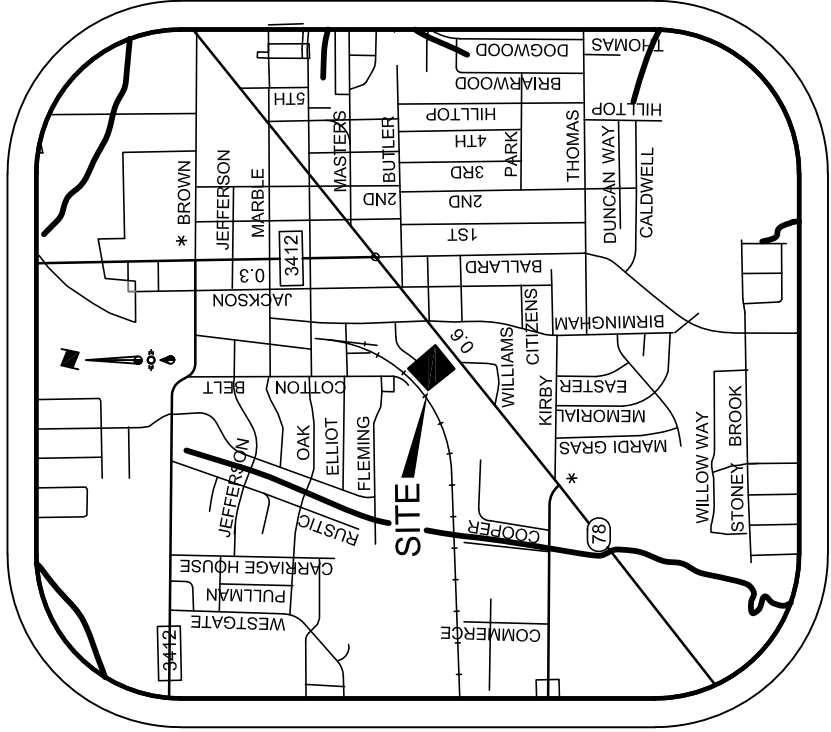
Department Director

Initial
RO

Date
07-02-18



LOCATION MAP
ZBA #2018-09



VICINITY MAP
NTS



LEGEND

- Firelane
- Proposed Sidewalk
- Proposed Wheel Stop Typical
- Existing Fire Hydrant
- Proposed Fire Hydrant
- Barrier Free Ramp
- Proposed Wheel Stop Typical
- Handicap Parking Sign
- Landscape Space

SYNOPSIS

Zoning: CC — Commercial Corridor
Proposed Use: Retail/Restaurant
Lot Area: 1,5692 Acres (68,353 sf)
Building Areas: Building 10,000 sf
Lot Coverage: 14.63% (Total Bldg Area 10,000 sf)
Floor Area Ratio: 0.15 : 1
Building Height: 25'
Required Parking: Restaurant 1:150 (8,000/150) = 54 Spcs.
Retail 1:250 (2,000/250) = 8 Spcs.
Landscape Coverage: 15.26% (Total Landscape Area 10,434 sf)

Parking Required Total: 62 Parking Spaces
Parking Provided Total: 74 Parking Spaces (4 Handicap Spc.)

FLOOD ZONE NOTE:
This Surveyor has reviewed Flood Insurance Rate Map No. 48085C0420J (effective date June 2, 2009) published by the Federal Emergency Management Administration for Collin County, Texas and based upon said Flood Insurance Rate Map, the subject property is located in Flood Zone X (Un-Shaded) and is outside of the 100 Year Flood Plain.

ENGINEER:
Cross Engineering Consultants, Inc.
Matt King, Architect
131 S. Tennessee St.
McKinney, Texas 75069
Phone (972) 562-4409
Fax (972) 562-4471
Contact: Dwayne Zimm

ARCHITECT:
Matt King, Architect
4308 Cherry Lane
Melissa, TX 75454
Phone (469) 742-0678
Contact: Matt King

OWNER/DEVELOPER:
SCSD—Finnell, Ltd.
1600 Corporate Court, Ste. 150
Irving, TX 75038
Phone (972) 241-2165
Fax (972) 542-8882
Contact: Cary Albert

SURVEYOR:
Ringley & Associates
701 S. Tennessee St.
McKinney, TX 75069
Phone (972) 542-1266
Fax (972) 542-8882
Contact: Lawrence Ringley

Issue Dates:		Revisions:		Date:	
1		1			
2		2			
3		3			
4		4			
5		5			
6		6			

CROSS ENGINEERING CONSULTANTS

131 S. Tennessee St.
McKinney, Texas 75069
Texas P.E. Exam No. F-3935

Drawn By: C.E.C.I.
Checked By: C.E.C.I.
Scale: 1"=30'

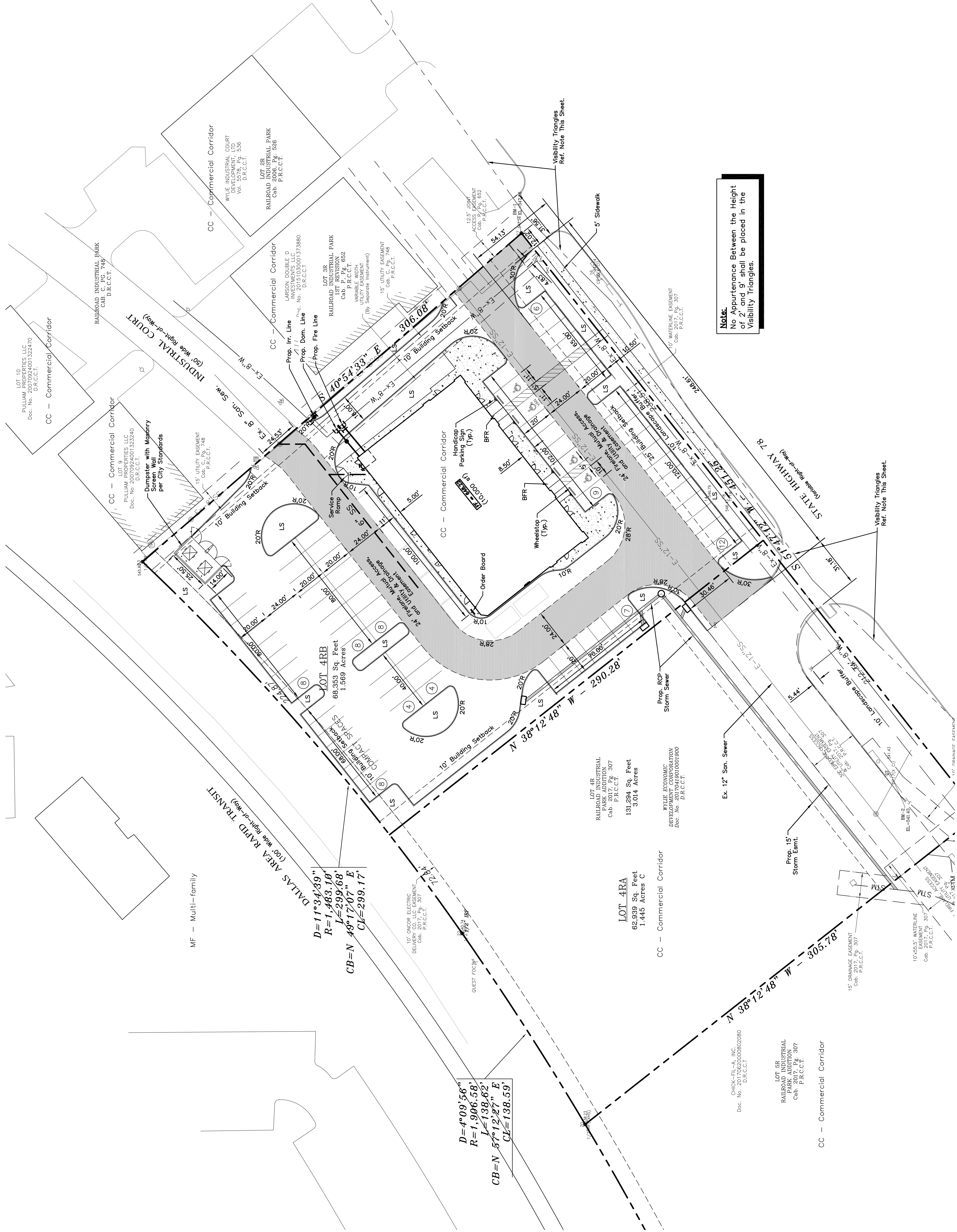
NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

SITE BENCHMARKS

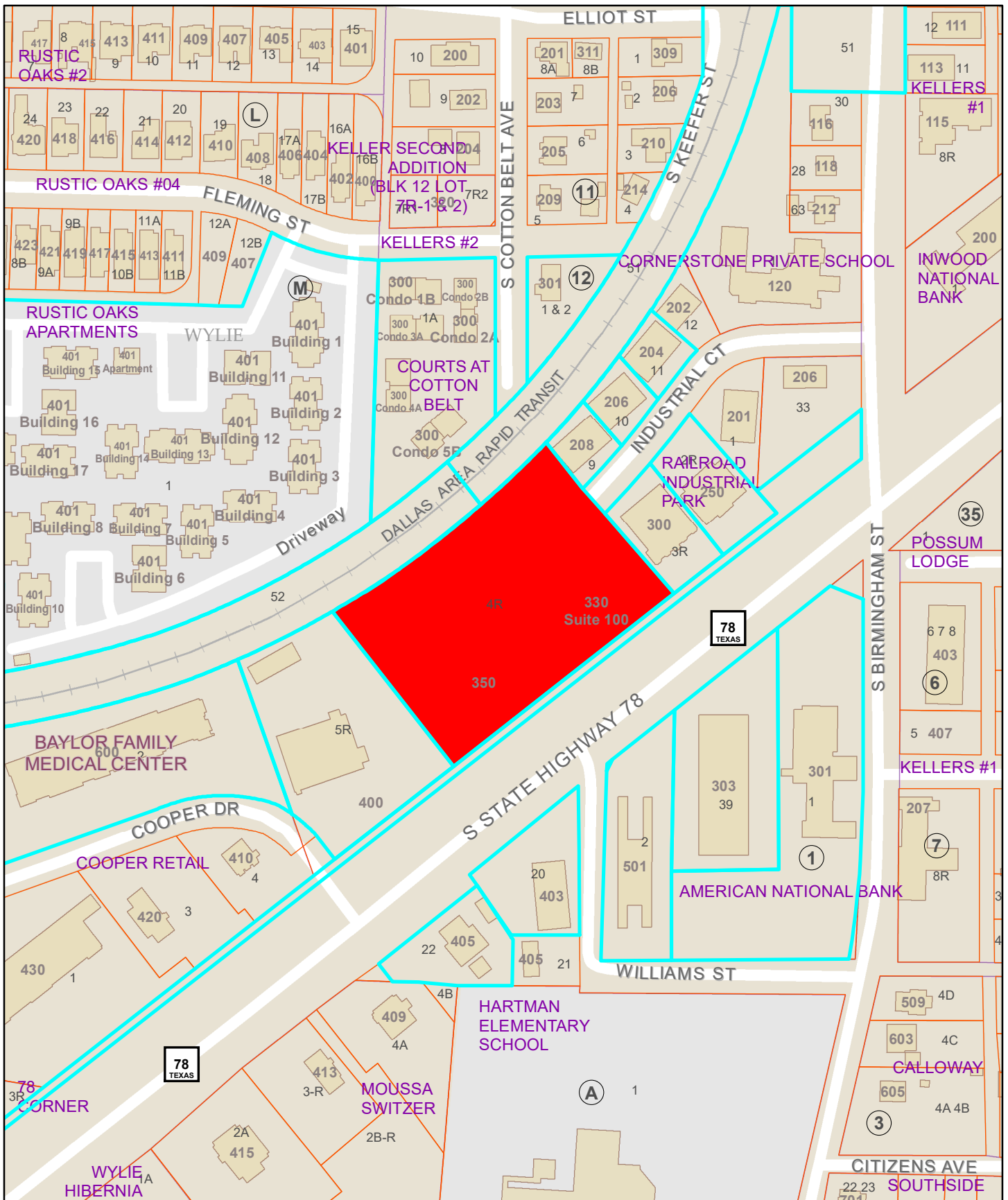
BM-1 = "x" in concrete being the southeast corner of the subject property.
Elev.=547.56
BM-1 = "x" in southwest corner of a concrete curb located on the north side of State Highway 78 and near the southwest corner of the subject property.
Elev.=541.43

CITY BENCHMARK USED FOR CONTROL

CM 2 = Standard City of Wylie monument located north of State Highway No. 78 and west of South Ballard Street near the southeast corner of the building located at 104 South Ballard Street. Being 10' feet west of the southeast corner of building located at 104 South Ballard Street and 10.4' south of building located at 104 South Ballard Street.
Elev. = 550.238



Notes:
No Aperture Between the Height of 2' and 9' shall be placed in the Visibility Triangles.



PROPERTY NOTIFICATION MAP

ZBA #2018-09

OBJECTID	geo_id	Owner Name	Doing Business As	Address 1	Property Address	City	State	Zip Code	Legal Description	Site Address
274252	R-2207-00M-0010-1	WESTDALE RUSTIC OAKS LTD	RUSTIC OAKS APARTMENTS		3100 MONTICELLO AVE STE 600	DALLAS	TX	75205-3439	RUSTIC OAKS PHASE 1-4 (CWY), BLK M, LOT 1	401 FLEMING ST WYLIE, TX 75098
146737	R-6820-000-0200-1	WYLIE AUTO PARTS INC	VAPE STORE		6400 TEXOMA PKWY	SHERMAN	TX	75090-2184	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 20, .45 ACRES	403 S STATE HWY 78 WYLIE, TX 75098
264377	R-6820-000-0220-1	ATMJ PROPERTY INC	SHELL		405 S HIGHWAY 78	WYLIE	TX	75098-3946	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 22, .4625 ACRES	405 S STATE HWY 78 WYLIE, TX 75098
273480	R-2130-012-0010-1	LEMONS PATRICIA SUE			301 S COTTONBELT AVE	WYLIE	TX	75098-4360	KELLERS #2 (CWY), BLK 12, LOT 1 & 2; (FKA BLK 11 LTS 5 & 6)	301 S COTTONBELT AVE WYLIE, TX 75098
178825	R-6820-000-0390-1	WYLIE CVPP PROPERTIES LTD	CENTER PLACE		PO BOX 307	WYLIE	TX	75098-0307	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 39, 1.1961 ACRES	303 S STATE HWY 78 WYLIE, TX 75098
273473	R-1482-000-0090-1	PULLIAM PROPERTIES LLC	STITCH MAKER		1440 E FM 544	WYLIE	TX	75098-6648	RAILROAD INDUSTRIAL PARK (CWY), LOT 9	208 INDUSTRIAL CT WYLIE, TX 75098
273476	R-1482-000-0100-1	PULLIAM PROPERTIES LLC	IG GLOBAL		1440 E FM 544	WYLIE	TX	75098-6648	RAILROAD INDUSTRIAL PARK (CWY), LOT 10	206 INDUSTRIAL CT WYLIE, TX 75098
273477	R-1482-000-0110-1	JOYCE JAMES M & KEISHA	JTM TECHNOLOGIES INC		13366 COUNTY ROAD 763	NEVADA	TX	75173-6124	RAILROAD INDUSTRIAL PARK (CWY), LOT 11	204 INDUSTRIAL CT WYLIE, TX 75098
273200	R-6820-000-0510-1	ST LOUIS SOUTHWESTERN RR CO			PO BOX 959	TYLER	TX	75710-0959	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 51, 16.003 ACRES	
273201	R-6820-000-0520-1	DALLAS AREA RAPID TRANSIT			1401 PACIFIC AVE	DALLAS	TX	75202-2732	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 52, 4.537 ACRES; (0.353 MILES)	
178803	R-8109-001-0010-1	AMERICAN NATIONAL BANK	AMERICAN NATIONAL BANK		PO BOX 40	TERRELL	TX	75160-9003	AMERICAN NATIONAL BANK ADDITION (CWY), BLK 1, LOT 1; REPLAT	301 S STATE HWY 78 WYLIE, TX 75098
178824	R-8109-001-0020-1	MASON HARRISON JARRARD ENT SONIC			624 W UNIVERSITY DR PMB 221	DENTON	TX	76201-1889	AMERICAN NATIONAL BANK ADDITION (CWY), BLK 1, LOT 2; REPLAT	501 WILLIAMS ST WYLIE, TX 75098
146362	R-8109-001-002R-1	STATE OF TEXAS			PO BOX 133067	DALLAS	TX	75313-3067	AMERICAN NATIONAL BANK ADDITION (CWY), BLK 1, LOT 2R; REPLAT ROW	WYLIE, TX 75098
273471	R-1482-000-003R-1	LARSON DOUBLE D INVESTMENT	WYLIE PRINTING & OFFICE SUPPLY		345 DONNA DR	WYLIE	TX	75098-5294	RAILROAD INDUSTRIAL PARK (CWY), LOT 3R; REPLAT	205 INDUSTRIAL CT WYLIE, TX 75098
273461	R-9080-00A-0020-1	HCP CRS2 KELLER-WYLIE TX LLC	BAYLOR HEALTH CENTER		3100 W END AVE STE 800	NASHVILLE	TN	37203-1378	COOPER RETAIL ADDITION (CWY), BLK A, LOT 2	600 COOPER DR WYLIE, TX 75098
618135	R-6920-002-0750-1	STATE OF TEXAS			PO BOX 3067	DALLAS	TX	75221-3067	ABS A0920 JAMES TRUETT SURVEY, SHEET 2, TRACT 75, 1.546 ACRES; STATE HWY 78 ROW	S STATE HWY 78 WYLIE, TX 75098
273470	R-1482-000-002R-1	WYLIE INDUSTRIAL COURT DEV L	LAWYERS TITLE		250 S STATE HWY 78	WYLIE	TX	75098	RAILROAD INDUSTRIAL PARK (CWY), LOT 2R; REPLAT	250 S STATE HWY 78 WYLIE, TX 75098
273478	R-10126-000-001A-1	BETTERS CRYSTAL &	JASON BETTERS		300 N COTTONBELT AVE # 1A	WYLIE	TX	75098-5098	COURTS AT COTTON BELT CONDOMINIUM (CWY), UNIT 1A, 10.0 % CMVN INT; AMENDED	300 COTTON BELT AVE WYLIE, TX 75098
948510	R-1482-000-005R-1	CHICK-FIL-A INC	C/O TROUTMAN SANDERS LLP	ATTN: BRIAN J MINK ESQ.	600 PEACHTREE ST NE STE 5200	ATLANTA	GA	30308-2216	RAILROAD INDUSTRIAL PARK (CWY), LOT 5R; (REPLAT)	400 S STATE HWY 78 WYLIE, TX 75098
948511	R-1482-000-004R-1	WYLIE ECONOMIC DEVELOPMENT CORPORATION			250 S HIGHWAY 78	WYLIE	TX	75098-3906	RAILROAD INDUSTRIAL PARK (CWY), LOT 4R; (REPLAT)	211-212 INDUSTRIAL CT WYLIE, TX 75098

PUBLIC COMMENT FORM

(Please type or use black ink)

Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098



I am **FOR** the requested variance as explained on the attached public notice for ZBA Case #2018-09.

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2018-09.

Date, Location & Time of
Planning & Zoning
Commission meeting:

Monday, June 18, 2018, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Sam Satterwhite
(please print)

Address: 250 S. Hwy 78, Wylie, Tx 75098

Signature: [Handwritten Signature]

Date: 6-11-18

COMMENTS:

PUBLIC COMMENT FORM

(Please type or use black ink)

Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098



I am **FOR** the requested variance as explained on the attached public notice for ZBA Case #2018-09.

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2018-09.

Date, Location & Time of
Planning & Zoning
Commission meeting:

Monday, June 18, 2018, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: WYLIE INDUSTRIAL COURT DEVELOPMENT
(please print)

Address: 250 Hwy 28
Wylie, TX 75088

Signature: Dawn Cook, Member

Date: 6/11/18

COMMENTS:
